

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 955

Introduced by Senator Soto

February 22, 2005

An act to amend Sections 8589.10 and 8589.11 of the Government Code, relating to public safety, and making an appropriation therefor. Section 13159.1 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 955, as amended, Soto. Public safety: firefighting.

Existing law directs the State Fire Marshal to establish training requirements and a curriculum that include criteria recommended by the Emergency Response Training Advisory Committee, as specified.

This bill would authorize the State Fire Marshal to contract with the California Firefighter Joint Apprenticeship Program for the development of curriculum criteria.

~~Existing law authorizes the Office of Emergency Services (OES) to acquire new or used firefighting apparatus and equipment for resale to local agencies and to provide other assistance to agencies for the acquisition of firefighting apparatus and equipment which includes any vehicle and its associated firefighting equipment.~~

~~This bill would require the OES to acquire 150 additional multiple discipline response engines and assign them to the Department of Forestry and Fire Protection and to fire protection agencies, as specified, pursuant to a written agreement on such terms as shall be determined by the Director of OES. The bill would also require the director to assign or reassign multiple discipline response engines in a~~

manner that promotes their rapid mobilization, organization, and operation within strategically located geographic regions of the state.

~~This bill would appropriate \$25,000,000 to the Office of Emergency Services from the Federal Trust Fund from previously unallocated funds received from the federal government pursuant to a supplemental appropriations act for 2003 and the Department of Homeland Security Appropriations Acts of 2004 and 2005 for the purchase of the 150 additional multiple discipline response engines.~~

Vote: majority. Appropriation: ~~yes~~no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13159.1 of the Health and Safety Code
2 is amended to read:

3 13159.1. (a) The State Fire Marshal shall establish
4 additional training standards that include the criteria for
5 curriculum content recommended by the Emergency Response
6 Training Advisory Committee established pursuant to Section
7 8588.10 of the Government Code, involving the responsibilities
8 of first responders to terrorism incidents and to address the
9 training needs of those identified as first responders.

10 (b) *The State Fire Marshal may contract with the California*
11 *Firefighter Joint Apprenticeship Program for the development of*
12 *curriculum content criteria specified in subdivision (a).*

13 (c) Every paid and volunteer firefighter assigned to field duties
14 in a state or local fire department or fire protection or firefighting
15 agency may receive the appropriate training described in this
16 section. Pertinent training previously completed by any
17 jurisdiction's firefighters and meeting the training standards of
18 this section may be submitted to the State Fire Marshal to assess
19 its content and determine whether it meets the training
20 requirements prescribed by the State Fire Marshal.

21 ~~SECTION 1. The Legislature finds and declares all of the~~
22 ~~following:~~

23 ~~(a) Over 50 years ago, the federal government established a~~
24 ~~program to match state and local funds for the purchase of fire~~
25 ~~and rescue apparatus and equipment. In doing so, the federal~~
26 ~~government recognized that no single fire department could~~
27 ~~afford to purchase and maintain sufficient fire and rescue~~

1 ~~apparatus to combat a major disaster or war-caused~~
2 ~~conflagration.~~

3 ~~(b) In 1953 and 1954, the state, through the Governor's Office~~
4 ~~of Emergency Services (OES), implemented the Governor's Fire~~
5 ~~Advisory Committee recommendations and purchased 100 fire~~
6 ~~engines, using federal matching funds, and assigned them to local~~
7 ~~governments throughout the state through written agreements. Of~~
8 ~~the fire engines acquired by OES over the last five decades,~~
9 ~~many have been "Type 3" engines equipped for multiple~~
10 ~~response, including urban search and rescue, a vital component~~
11 ~~of responding to any major disaster or war-caused conflagration.~~

12 ~~(c) For over half a century, OES has assigned its fire engine~~
13 ~~fleet to fire protection agencies for mutual aid response, local~~
14 ~~multiple alarm fires, temporary replacement for out-of-service~~
15 ~~fire apparatus, firefighter training, and other local government~~
16 ~~needs. Each assignee is required to dispatch the OES fire engines~~
17 ~~with the required personnel to any emergency in accordance with~~
18 ~~provisions of the California Fire Service and Rescue Emergency~~
19 ~~Mutual Aid Plan.~~

20 ~~(d) The need to protect structures both in wildland areas and in~~
21 ~~cities and communities throughout California also makes it~~
22 ~~necessary for the Department of Forestry and Fire Protection to~~
23 ~~have reliable response apparatus in order to be prepared for their~~
24 ~~diverse emergency response needs.~~

25 ~~(e) In the fall of 2003, southern California came under siege~~
26 ~~by fires that scorched more than 730,000 acres, burned 3,600~~
27 ~~homes and 35 commercial properties, injured 246 people, and~~
28 ~~took 24 lives. Five hundred farmlands were destroyed, costing~~
29 ~~California roughly forty million dollars (\$40,000,000) in~~
30 ~~agricultural products alone.~~

31 ~~(f) In the aftermath of the fall 2003's southern California~~
32 ~~firestorm, a 34-member bipartisan Blue Ribbon Fire Commission~~
33 ~~was established to examine the devastating effects of the fires in~~
34 ~~an effort to prevent similar devastation of life and property in the~~
35 ~~future.~~

36 ~~(g) The commission's final report revealed that while state and~~
37 ~~local fire agencies reported having available personnel capable of~~
38 ~~responding to the fires, most lacked additional equipment needed~~
39 ~~to do so. To this end, the commission called on the state to~~
40 ~~develop, among other things, a program to fund the acquisition of~~

1 150 additional OES fire engines. The commission further called
2 on the state to begin replacing and diversifying the aging fire
3 engine fleet maintained by the Department of Forestry and Fire
4 Protection.

5 (h) It is in the public's interest for the state to embrace the
6 bipartisan commission's recommendations and in doing so, to
7 modernize and update the fire and multiple response apparatus of
8 the Department of Forestry and Fire Protection and, at the same
9 time, build upon its existing fire engine fleet for use in mitigating
10 the effects of all forms of disasters, including terrorist acts, major
11 fires, floods, and earthquakes.

12 (i) To build on the successful state and federal partnership that
13 began over 50 years ago, and to further embrace the federal
14 government's commitment to partner with the state in equipping
15 our nation's fire service front line homeland defenders, it is also
16 in the public's interest for the state to use federal funds for the
17 implementation of this act.

18 SEC. 2. Section 8589.10 of the Government Code is amended
19 to read:

20 8589.10. As used in this article:

21 (a) "Acquire" means acquisition by purchase, grant, gift, or
22 any other lawful means.

23 (b) "Director" means the Director of the Office of Emergency
24 Services.

25 (c) "Firefighting apparatus and equipment" means any vehicle
26 and its associated equipment that is designed and intended for
27 use primarily for firefighting. "Firefighting apparatus and
28 equipment" does not include vehicles that are designed and
29 intended for use primarily for emergency medical services,
30 rescue services, communications and command operations, or
31 hazardous materials operations.

32 (d) "Indirect expenses" means those items that are identified
33 as indirect costs in the federal Office of Management and Budget
34 Circular A-87 on January 1, 1985.

35 (e) "Local agency" means any city, county, special district, or
36 any joint powers agency composed exclusively of those agencies,
37 that provides fire suppression services. "Local agency" also
38 includes a fire company organized pursuant to Part 4
39 (commencing with Section 14825) of Division 12 of the Health
40 and Safety Code.

1 ~~(f) “Multiple-discipline response engine” means any chemical,~~
2 ~~biological, radiological, nuclear or high-yield explosives incident~~
3 ~~response vehicle, including, but not limited to, a hazardous~~
4 ~~materials response vehicle, mobile command unit, mobile~~
5 ~~command post vehicle, or other response vehicle that deploys~~
6 ~~bomb, hazardous material, and special weapons personnel,~~
7 ~~equipped to detect chemical, biological, and radiological~~
8 ~~materials that may be armored to protect personnel from~~
9 ~~explosions and projectiles when required to enter hot zones.~~

10 ~~(g) “Office” means the Office of Emergency Services.~~

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12 ~~(h) “Rural area” means territory that is outside of any~~
13 ~~urbanized area designated by the United States Bureau of the~~
14 ~~Census from the 1980 federal census.~~

15 ~~SEC. 3. Section 8589.11 of the Government Code is amended~~
16 ~~to read:~~

17 ~~8589.11. (a) The office may acquire new or used firefighting~~
18 ~~apparatus and equipment for resale to local agencies. If the~~
19 ~~apparatus or equipment is in a used condition, the office may~~
20 ~~contract with the Prison Industry Authority to repair or refurbish~~
21 ~~the apparatus or equipment to acceptable fire service standards~~
22 ~~before resale. The resale price shall recover the office’s cost of~~
23 ~~acquisition, repairing, refurbishing, and associated indirect~~
24 ~~expenses.~~

25 ~~(b) The office shall acquire 150 additional multiple-discipline~~
26 ~~response engines to augment the office’s existing fleet of~~
27 ~~response units for use in mitigating the effects of chemical,~~
28 ~~biological, radiological, nuclear, or explosive acts, fires, floods,~~
29 ~~earthquakes, or other disasters.~~

30 ~~(c) The director shall assign multiple-discipline response~~
31 ~~engines acquired pursuant to subdivision (b) to the Department of~~
32 ~~Forestry and Fire Protection and local agencies in accordance~~
33 ~~with the recommendations of the six OES Fire and Rescue~~
34 ~~Branch Mutual Aid Regional Coordinators who shall determine~~
35 ~~whether those local agencies are capable of providing the units~~
36 ~~with appropriate facilities, maintenance, and personnel.~~

37 ~~(d) The assignment of multiple-discipline response engines in~~
38 ~~accordance with subdivision (c) shall be made pursuant to a~~
39 ~~written agreement entered into between the director and the~~
40 ~~assignee, in which the assignee assumes responsibility for the~~

1 operation, maintenance, and staffing of the assigned multiple
2 discipline response engines and agrees to terms to be determined
3 by the director, including, but not limited to, the right to dispatch
4 an engine together with the required personnel.

5 (e) Assignment or reassignment of the acquired multiple
6 discipline response engines shall be in a manner that promotes
7 rapid mobilization, organization, and operation of the multiple
8 discipline response engines within strategically located
9 geographic regions of the state, to the extent reasonably possible.

10 (f) The Department of Forestry and Fire Protection, subject to
11 the requirements of Section 8589.12, or a local agency may agree
12 to donate used firefighting apparatus and equipment for the
13 purposes of subdivision (a) in exchange for assignment priority
14 for a new multiple discipline response engine acquired by the
15 office under subdivision (b).

16 (g) The director shall make used, repaired, or refurbished
17 firefighting apparatus and equipment, donated pursuant to
18 subdivision (f) available to interested local agencies serving rural
19 areas or communities in accordance with Section 8589.13.

20 SEC. 4. The sum of twenty-five million dollars (\$25,000,000)
21 is hereby appropriated to the Office of Emergency Services from
22 the Federal Trust Fund from previously unallocated funds
23 received from the federal government pursuant to a supplemental
24 appropriations act for 2003 (P.L. 108-11) and the Department of
25 Homeland Security Acts, 2004 (P.L. 108-90) and 2005 (P.L.
26 108-334), for the purpose of complying with subdivision (b) of
27 Section 8589.11 of the Government Code.